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SENSITIVE

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DEPT FOR INL, NEA/I
JUSTICE PASS TO JOHN EULER, ANDREW NORMAN

E.O. 12958: N/A
TAGS: [PINS](#) [PGOV](#) [PHUM](#) [SOCI](#) [IZ](#)
SUBJECT: IRAQI HIGH TRIBUNAL WORKING THROUGH FULL DOCKET OF CRIMES
BY SADDAM'S REGIME

REF: 2008 BAGHDAD 3840

11. (SBU) SUMMARY: The development of the Iraqi High Tribunal (IHT) as an independent, fully functioning court is illustrated by its full docket of trials. Having recently completed its third trial, the IHT has four other cases currently in trial, two more set to begin shortly, and two cases referred for trial. The capacity of the IHT to accommodate multiple trials while ensuring that defendants receive a fair hearing demonstrates the institutional development of the IHT. END SUMMARY.

12. (U) Defendants' closing arguments were heard the week of 11 January 2009 in the "Merchants Case." A judgment is expected mid-February. The case examines Saddam Hussein's use of Special Courts as a tool to carry out political revenge. As commodity prices rose in Iraq after imposition of trade sanctions following the 1991 Gulf War, Iraqis expressed frustration at rising costs. Saddam Hussein blamed merchants for shortages and high prices. The Minister of the Interior, in a radio address, discredited the merchants as "covetous" exploiters and blamed them for rises in consumer prices. A group of merchants were arrested and brought before a Special Court. Thirty seven of the 40 merchants brought before the court were convicted and executed within a matter of hours. There was no semblance of due process during the proceedings.

13. (U) In the "Friday Prayers" case, which began in July 2008, the prosecution finished presentation of its case January 5, 2009. The defendants will begin to present witnesses February 8. The case involves the regime's brutal suppression of the widespread protests following the assassination of Ayatollah Mohammed Sadiq al-Sadr and his two oldest sons in Najaf on February 19, 1999, by Saddam's security agents.

14. (U) The IHT's sixth trial began December 21, 2008 involving five defendants being tried for their involvement in chemical attacks on the Kurdish town of Halabja in March 1988. After two days of conventional artillery attacks, Iraqi planes attacked the town and surrounding region with bombs, artillery fire, and chemical weapons. At least 5,000 people died immediately and an estimated 7,000 others were injured or suffered long term illness because of the mustard gas, chemical and nerve agents.

15. (U) A trial involving persecution of the Al-Dawa party began December 28, 2008. Twenty four defendants are on trial, of whom 12 have appeared as defendants in previous cases. The main goal of the Al-Dawa party during Saddam's regime was governance by religious rather than secular leaders. In 1979, Al-Dawa formed a religious wing called Shadid al-Sadr after party founder Ayatollah Muhammed Baqir al-Sadr. In April 1981, Al-Dawa members tried to assassinate then- Foreign Minister Tariq Aziz. Eight days later, the Ayatollah al-Sadr and his sister were arrested and executed. A year later, Al-Dawa members tried to assassinate Saddam Hussein, which led to a

government crackdown on Al-Dawa. Iraqi's current Prime Minister, Nouri al-Maliki, is a member of the Al-Dawa party.

¶6. (U) On January 26, trial will begin for 16 defendants accused of widespread, systematic persecution of the Fayli Kurds. In 1971, the former regime the deported some 40,000 Fayli Kurds to Iran as part of Saddam Hussein's Arabization Policy. Others were detained without charges; many were never heard from again. Over 400,000 Fayli Kurds are estimated to have been displaced, imprisoned or executed between 1971- 2003. Qexecuted between 1971- 2003.

¶7. (U) On March 1, the "Barzani Clan murders" trial will begin. This case involves the deportation and murder of thousands of members of the Barzani clan in northern Iraq in 1983. In 1975, the former Iraqi regime deported Barzanis from villages in the Ninawa, Dahuk and Erbil governorates, and relocated them to the central Iraqi desert, principally at Afaq. The motive for this deportation was the longstanding conflict between the Saddam Hussein government and certain Kurdish groups fighting for autonomy, including Massoud Barzani and his allies. After several years, the Barzani clan members were relocated into "collective towns" in the Kurdish region established by the regime. The case has political impact because Massoud Barzani is the current President of the Kurdish Regional Government in northern Iraq and the leader of the Kurdistan Democratic Party, which is a member of Iraq's ruling coalition.

¶8. (U) Saddam's systematic displacement of the Kurds and attempts to Arabize areas of northern Iraq, particularly Kirkuk city and other areas of the province of Al Tameem, will be the focus of the IHT's tenth trial later in 2009. 13 defendants are being referred for trial. From the mid 1970's and 1980's, Saddam tried to

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reinforce central government control over numerous aspects of life in northern Iraq. Kurds were murdered, raped, tortured, starved, forced from their homes, deprived of their rights to medical care, and denied education in the Kurdish language.

¶9. (U) Later this year, the IHT will refer to trial the "Secular Parties" case. Throughout his regime Saddam Hussein employed the judicial system to eliminate perceived enemies. Many were members of the Communist Party, the National Democratic Party and the Patriotic Union of Kurdistan. The basis for the prosecution of the members of these parties was that they were "a threat to the national security." Some members were brought before different courts, including the Revolutionary Command Council Special Court. Others were murdered and tried after their deaths, to give judicial validation to their elimination.

¶10. (U) The IHT nears completion of several other investigations. These cases include "Wasting National Wealth," "Marsh Arabs," suppression of the 1991 uprising, the murder of political opponents, and the Kuwait invasion. The court hopes to refer these cases for trial in the second half of this year.

CROCKER